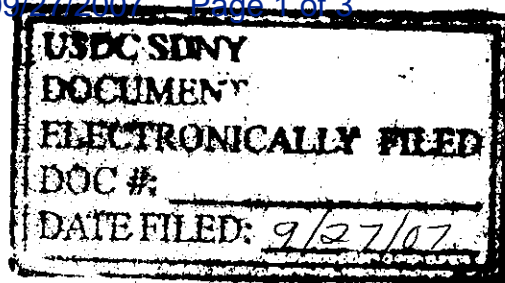
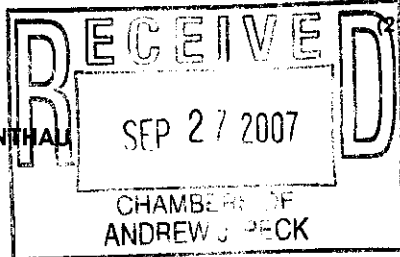




ROBERT M. MORGENTHAU
DISTRICT ATTORNEY

DISTRICT ATTORNEY
OF THE
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000



MEMO ENDORSED

1 Extension approved
2 No further extensions will
be granted.

September 27, 2007

BY HAND

Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, New York 10007

SO ORDERED:

[Signature]
Andrew J. Peck
United States Magistrate Judge

[Signature]
BY FAX

Re: Wells v. Ricks
07 Civ. 6982 (CM) (AJP)

Your Honor:

Under an agreement with the New York State Attorney General's office, the District Attorney, New York County will be representing the interests of the respondent in the above-captioned matter, a 28 U.S.C. section 2254 proceeding. Previously, on September 5, 2007, this Court directed that the People respond by October 12, 2007. In a September 24, 2007 letter, the People requested a 32-day extension, until November 13, 2007, to file their response. This Court, in a letter dated September 25, 2007, directed the People to seek Petitioner's counsel's consent to this adjournment. Further, this Court asked the People to "address the § 636(c) issue."

The purpose of this letter is to inform the court that Petitioner's counsel has consented to a 32-day extension of our time to file a response to their petition. Upon this Court's order, this will permit the People until Tuesday, November 13, 2007 to file a response. Further, the People consent to Petitioner's counsel's request to have an extension of time in which to file their response to the People. Petitioner asks to have until December 11, 2007, and the People consent to this adjournment.

Lastly, pursuant to 28 U.S.C. § 636, the parties do not consent to a decision by a United States Magistrate Judge.

DISTRICT ATTORNEY COUNTY OF NEW YORK

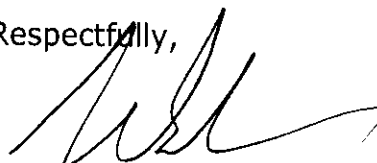
Hon. Andrew J. Peck

-2-

September 27, 2007

I certify that a copy of this letter is being mailed to Judge McMahon, Petitioner, and Petitioner's counsel at the addresses below.

Respectfully,



Eric Rosen
Assistant District Attorney
(212) 335-9328
(212) 335-9288 (FAX)

cc: Terence Wells
#02A0505
Upstate Correctional Facility
309 Bare Hill Road
Malone, NY 12953

Richard Shutran
Kelly Librera
Lisa M. Card
DEWEY BALLANTINE LLP
1301 Avenue of the Americas
New York, NY 10019

Honorable Colleen McMahon
United States District Court Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: September 27, 2007

Total Number of Pages: 3

TO	FAX NUMBER
Kelly Anne Librera, Esq.	212-259-6333
Richard M. Greenberg, Esq.	212-402-4199
Eric Rosen, Esq.	212-335-9288

TRANSCRIPTION:

MEMO ENDORSED 9/27/07

- 1. Extensions approved.**
- 2. No further extensions will be granted.**

Copy to: Judge Colleen McMahon